GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR – **Smt. Baddi Mani W/o Ramarao & (3) others** R/o. Nellipudi (V), Gangavaram (M), East Godavari District - Revision Petition filed under the provisions of A.P.S.A.L.T.R.1959 as amended by 1/70 - Land measuring Ac. 2.65 Cts. in Sy.No.6/1B in the land measuring Ac. 0.38 Cts. in Sy.No.6/3 of Bayyanapalli (V), Gangavaram (M), East Godavari District – **set aside** - Orders - issued.

SOCIAL WELFARE (TW.LTR.2) DEPARTMENT

G.O.Ms.No.12 **Dated: 03.03.2022**

Read the following:-

1. LTR.No.119/2003, orders issued by the Special Deputy Collector, Rampachodavaram, East Godavari District, dated 14.07.2004 filed by Special Deputy Tahasildar, Gangavaram (M), East Godavari District.

2. C.M.A.No.112/2005 orders issued by the P.O.ITDA/Addl. Agent to Govt., Rampachodavaram, East Godavari District, dated: 01.08.2017, filed by Smt. Yattam Surya Kantham, W/o Gangaraju R/o.Kamarajupeta (V), Gokavaram (M) East Godavari District.

3. Revision Petition filed by **Smt. Baddi Mani, W/o Ramarao & (3) others** R/o. Nellipudi (V), Gangavaram (M), East Godavari District , dt.16.08.2017.

4. Govt.Memo.No. 730669/LTR-2/2017, dated. 04.12.2017.

5. From the P.O., ITDA, Rampachodavaram, East Godavari District, dated: 11.05.2018.

6. Govt.Lr.No. 730669/LTR-2/2017, dated. 16.11.2020 and 09.07.2021.

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O R D E R:

1. The Special Deputy Tahasildar (TW), Gangavaram has filed a compláint before the Special Deputy Collector, Rampachodavaram, East Godavari District, under Section 3 (1) of the APSALTR 1 of 1959 as amended by Regulation 1 of 1970 for restoration of the Petition Scheduled land measuring Ac. 2.65 Cts. In Sy.No.6/1B in the land measuring Ac. 0.38 Cts. in Sy.No.6/3 of Bayyanapalli (V), Gangavaram (M), East Godavari District from the non-tribal Respondent i.e. Smt. Yattam Surya Kantham, W/o Gangaraju in favour of Government after ejecting the respondents in East Godavari District.

(P.T.O)

2. The Special Deputy Collector, Rampachodavaram, East Godavari District has dismissed the Orders in LTRP.No. 119/2003, dated: 14.07.2004 on the complaint filed by the Special Deputy Tahasildar, Gangavaram (M), East Godavari District, stated that in LTRP.No. 119/2003 "the transfer of property by Smt. Yettam Suryakantam through a mortagage deed is not in violation of Sec 3 (1) (a) of Reg Act 1/1959, as amended by the Regulation 1 of 1970 is valid one. As no prohibitary transfer held on Petition Scheduled land the case is dismissed.

3. Aggrieved by the above orders, The Special Deputy Tahasildar (TW), Gangavaram (M), East Godavari District has filed an appeal petition before the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District under Rule 8(2) of AP Scheduled Areas Land Transfer Rules 1/1969.

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District being the lower appellate authority in C.M.A.No. 112/2005, dated. 1.08.2017 has conferred under Rule 8(1) (3) of APSALTR 1969 and LTR 1/1959 as amended by regulation 1/1970, do hereby allowed the appeal by setting aside the orders in LTRP No.119/2003, dated.14.07.2004 of the Special Deputy Collector (TW), Rampachodavaram and directed to the Tahasildar to implement the orders and restore the land measuring Ac. 2.65 Cts. In Sy.No.6/1B in the land measuring Ac. 0.38 Cts. in Sy.No.6/3 located in Bayyanapalli (V), Gangavaram (M), East Godavari District to the Government for onward assignment to the eligible landless poor local tribes as per assignment rules in vogue by evicting the respondent or any other person.

5. In the reference 3rd read above, **Smt. Baddi Mani W/o. Ramarao & (3) others** R/o. Nellipudi (V), Gangavaram (M), East Godavari District (the four above petitioners are legal heirs of deceased Smt. Yattam Surya Kantham, W/o Gangaraju, who was appellant in the lower court) have filed a Revision Petition before the Government under the provisions of A.P.S.A.L.T.R., 1959 against the orders passed by the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District in CMA No.8/2005, dated. 17.09.2005 in the 2nd read above. The land measuring Ac. 2.65 Cts. In Sy.No.6/1B in the land measuring Ac. 0.38 Cts. in Sy.No.6/3 located in Bayyanapalli (V), Gangavaram (M), East Godavari District, vide orders 2nd read above.

6. After examining the Revision Petition filed by **Smt. Baddi Mani W/o Ramarao & 3 others** R/o. Nellipudi (V), Gangavaram (M), East Godavari District Government while admitting the same have called for parawise remarks along with connected case records from the P.O., ITDA, Rampachodavaram, East Godavari District in the reference 4th read above.

7. The parawise remarks along with connected case records submitted by the Addl. Agent to Govt. (P.O., I.T.D.A.) Rampachodavaram, East Godavari District on 11.07.2018 in the reference 5th read above.

8. In the reference 6th read above, on 16.11.2020 and finally heard on 24.07.2021, both the parties and their councils were called for the hearings. The Special Deputy Collector, Rampachodavaram and the Council for the petitioner have attended the hearing and upon perusing the records/ evidences/ grounds filed by the Revision Petitioners, the Appellant Authority have come to the conclusion and opined/ observed that:

- During the course of hearing of the case that the revision petitioners submitted their arguments as per their grounds in revision petition and on verification of the written arguments, documents and the grounds of revision and Para wise remarks as well as the other documents and material available on the record it is noticed that lower authority observed that the respondent in the appeal before it failed to produce any document in support of her claim of possession of the land prior to the coming into force of the regulations and on that the appeal is allowed setting aside the orders of lower authority.

- It is observed that as seen from the record that the revision petitioners produced several documents in support of their case and it is observed that the schedule land had first got transferred on 28-06-1911 from another non-tribal to Pasam Subbamma the great grandmother of the respondent in the appeal and in the settlement register in the name of the grandfather of the respondent in the appeal Pasam Swamy recorded as pattadar to the schedule land and that the transaction prior to commencement of regulation and that not hit by regulation and further that earlier the Special Deputy Collector in a case way back in the years 1980s in LTRP No.324/1975 filed against Yettam Ganga Raju who is no other than the husband of the respondent in appeal concluded that there is no contravention of the regulation and the same is final in view of no appeal against the said orders of him.

- That as seen from the earlier order and the documents it can be concluded that there is no violation of regulation and not hit by regulation.

- That taking consideration of the above and the material available on the record that it can be concluded that the lower appellant authority failed to observe the above as such the same is not sustainable under law accordingly the same is **set-aside** by confirming the order of the lower authority.

9. The Collector & District Magistrate, East Godavari District, Kakinada is requested to take necessary action in the matter accordingly and **acknowledge the receipt of the case records, which are returned herewith.**

10. This order shall be published in apgazette.cgg.in

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, East Godavari District, Kakinada, PIN 533001. (w.e)
The Additional Agent to Govt. cum Project Officer, ITDA, Rampachodavaram, East Godavari District. PIN-533288
The Special Deputy Collector, Rampachodavaram, East Godavari District. PIN-533288.
The Tahsildar, Devipatnam (M), East Godavari District. PIN-533436
Sri Kola Satyaprasad, Advocate, Rampachodavaram, East Godavari District - 533288
Smt Baddi Mani, W/o.Ramarao,
Smt Yedala Krishnaveni, W/o.Suribabu
Smt Penugonda Ramana, W/o.China Srinu
Kum.Mareti Lalitha, D/o.Krishnamurthy
All are R/o.Nellipudi (V), Gangavaram (M), East Godavari District.
The Director Priniting, Stationary (for publication in the AP Gazette)

Copy to:
The P.S. to Hon'ble Dy. Chief Minister (TW)
The P.S. to Secretary (TW)
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER
03/03/22